

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL REYES-GUILLEN,
Appellant,
vs.
JAMES H. SIMPSON,
Respondent.

No. 40179

FILED

AUG 21 2003

ANGETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's claim under NRCP 41(e), for failure to bring the action to trial within two years of filing it.¹

NRCP 41(e) grants the district court discretion to dismiss an action for want of prosecution. This court will only disturb a district court's decision to dismiss an action under NRCP 41(e) if there has been a gross abuse of discretion.²

Appellant Manuel Reyes-Guillen (Reyes), represented by counsel, filed a complaint for negligence against respondent James Simpson on September 4, 1997. On August 25, 1999, Reyes' attorney filed a motion to withdraw as counsel of record. The district court granted the motion. Subsequently, Reyes failed to answer Simpson's request for admissions, failed to appear at the pretrial conference, and generally did not exercise any diligence in bringing his case to trial. In fact, Reyes did


¹We note that appellant has failed to pay the Supreme Court filing fee. Although he submitted a "motion to proceed in forma pauperis," which this court transmitted to the district court, appellant did not obtain a ruling from the district court and thus has not complied with NRAP 24(a). The appeal could be denied for failure to pay the filing fee.


²See Northern Ill. Corp. v. Miller, 78 Nev. 213, 216, 370 P.2d 955, 956 (1962).

not contact the district court or opposing counsel from the time his attorney withdrew until after the district court dismissed his claim on August 2, 2002. Accordingly, the district court did not abuse its discretion, and we affirm the judgment of the district court.

It is so ORDERED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Ronald D. Parraguirre, District Judge
Law Offices of Melissa P. Harris
Manuel Reyes-Guillen
Clark County Clerk